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of its property, the market value of the property, with interest for the time elapsing between its conversion and the decision of the court. When there is an agreement, between the vendor and vendee, that the title to rails shall remain in the vendor until the payment of the purchase price, the rails retain their character as personalty until the price is paid. This is true as between the rights of vendor and vendee, and, also, between the vendor and subsequent mortgagees who have notice. *Haven v. Emery*, 33 N. H. 66; *Hunt v. Bay State Iron Co.*, 97 Mass. 279. But if the road-bed is mortgaged and rails are put down afterwards, an agreement between vendor and vendee that the rails shall remain the property of the vendor, until payment of the purchase price, will not avail as against bona fide creditors of the railroad. *Galveston Railroad v. Cowdrey*, 11 Wall. 459; *Porter v. Pittsburg Steel Co.*, 122 U. S. 267. That rails and other railway equipment are trade fixtures and removable as personal property has been held in many cases, because they are for the use and operation of the road and are not accessories of the freehold. *Northern Central Ry. Co. v. Canton Co.*, 30 Md. 347; *Railroad Co. v. Nyce*, 61 Kan. 394, 59 Pac. 1040, 48 L. R. A. 241; *Railroad v. Deal*, 90 N. C. 110. This doctrine, however, has not been universally adhered to. In *Hunt v. Mo. Pac. Ry. Co.*, 76 Mo. 115, where a railroad had built a depot on plaintiff's land without his consent, the court held that the building had become a part of the realty and could not be removed by the railroad, after its condemnation proceedings had been declared void. So, too, in *Graham v. Connersville, etc., R. R. Co.*, 36 Ind. 463, a railroad, without permission of the owner or color of title, had erected a depot upon land; and, upon the bringing of condemnation proceedings by the company, the land owner was allowed to recover the value of the land plus the value of the improvements which the railroad had made. In *Wagner v. Cleveland & Toledo R. R. Co.*, 22 Ohio St. 563, 10 Am. Rep. 770, the court held that stone piers, built upon land for bridge purposes, could be removed as personalty by the railroad, upon the abandonment of its purpose to complete the road. A ferry company having agreed to permit a railroad to use the ground, at its landing, on condition that the railroad should pay the taxes on the land and give all of its ferriage business to the company, it was held that the railroad could remove its rails on its abandonment of the ground belonging to the ferry company. *Wiggins Ferry Co. v. O. & M. Ry. Co.*, 142 U. S. 396. Where a city ordinance, which granted a right to a street railway to build and operate an electric line in the city limits, reserved to the council the right to require the railroad company to "use such fixtures and appliances—as might be deemed necessary to the public safety," the court, in construing the word fixtures, said, "The term 'fixtures' does not refer to movable things; it refers to things that are fixed. Trolley poles, over-head wires, rails, and ties are fixtures." *City of Kalamazoo v. Mich. Traction Co.*, 126 Mich. 525, 85 N. W. 1067.

CONSTITUTIONAL LAW—CLASS LEGISLATION—EQUAL PROTECTION OF THE LAWS—DUE PROCESS OF LAW.—Action against defendant for violation of c. 112, § 72, of the Revised Laws, requiring street car companies to carry children to and from public schools at rates not exceeding one-half of the regular fares. The defense was that the law was contrary to the 14th

Amendment of the Federal Constitution and the Massachusetts Declaration of Rights. *Held*, that the law was constitutional and valid. *Commonwealth v. Interstate Consolidated St. Ry. Co.* (1905), — Mass. —, 73 N. E. Rep. 530.

The decision is based upon highly just grounds, and its effect is undoubtedly to promote the interests and welfare of the public. The education of children is a subject that has occupied the minds of our legislators from early times and in which the community at large has the highest interest. By c. 5, Sec. 2, of the Massachusetts Constitution it is made the duty of legislators and magistrates to be diligent in promotion of education, and large sums are yearly appropriated for that purpose. It is true that the 14th Amendment forbids that the burden of the education of children, or any part thereof, be indiscriminately thrown upon street railways; but the effect of the law in controversy is not that. Railways are required to charge one-half of the regular rate; but they are not limited as to the full fare, so that in case of loss they might be compensated by advancing that. In *Lake Shore & M. S. R. R. v. Smith*, 173 U. S. 684, 19 Sup. Ct. 565, 43 L. Ed. 858, the rule was laid down that a law, compelling railroads to make exceptions, as to its rates, in favor of certain classes of persons, was unconstitutional; but it is also well settled, that the legislature has power to make classifications, and that if such classifications are founded on a reasonable distinction in principle, the discrimination does not deny the equal protection of the laws. *Opinion of Justices*, 166 Mass. 589, 34 L. R. A. 58 (discrimination in favor of Civil War veterans held reasonable); *Pacific Express Co. v. Seibert*, 142 U. S. 339, 12 Sup. Ct. 250, 35 L. Ed. 1035; *Am. Sugar Refining Co. v. Louisiana*, 179 U. S. 89, 92, 21 Sup. Ct. 43, 45 L. Ed. 102; *Wis., &c., R. R. Co. v. Jacobsen*, 179 U. S. 287, 301, 21 Sup. Ct. 115, 45 L. Ed. 194.

CONSTITUTIONAL LAW—INTERFERENCE WITH CIVIL RIGHTS—POWER OF CONGRESS TO ENFORCE THE FOURTEENTH AMENDMENT.—Petition for discharge on habeas corpus, on the ground that the indictment under which petitioner is held does not charge any offence against the United States. Petitioner is indicted under R. S. §§ 5508, 5509 (making it a penal offence for any person to interfere with the rights guaranteed by the Constitution and laws of the United States), for conspiring to injure, and for murdering in the prosecution of the conspiracy, a colored citizen, accused of a crime, in order to prevent his trial by the Alabama courts. *Held*, that it is within the powers of Congress to make laws for the enforcement of the rights guaranteed by the 14th Amendment. *Ex parte Riggins* (1905), 134 Fed. Rep. 404.

The question presented in this case is a most interesting one, and the decision of the court seemingly correct. There is no doubt that the rights guaranteed by the 14th Amendment were intended to be enforceable in some way, and § 5 of that amendment, as well as the implied powers clause, show that intention. In *Boyd v. U. S.*, 116 U. S. 616, 6 Sup. Ct. 524, 29 L. Ed. 746, the Supreme Court laid down the rule that Constitutional provisions for the security of persons and property should be liberally construed. In the *Slaughter House Cases*, 16 Wall. 36, 71, 21 L. Ed. 394, it is said, as to the last three amendments, "one pervading purpose is found in them all, and lying at the foundation of each, and without which none of them would have been